

Remarks:

Claims 1, 3-8, 13, 14, and 30-46 were previously pending. Claims 1, 3, 31, 40, and 41 have been amended. Thus, claims 1, 3-8, 13, 14, and 30-46 are currently pending in the application with claims 1, 31, and 40 being independent.

In the Office Action, the rejected claims 40-46 under 35 U.S.C § 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner asserts that “[n]o securing mechanism’ is not enabled”. Page 3 of the March 9, 2007 Office Action. Pages 2-3 of the July 19, 2007 Final Office Action.

As previously argued, Figures 20 and 21 show the case 178i configured to fit within, or conforming to, the tray 14i, “such that the case does not move within the tray and is held firmly in place by gravity and the close conformity of the case to the tray”, as presently claimed. Support for this amendment can be found, among other places, in Figures 19, 20, and 23-27, as well as the supporting discussion thereof in the written description. This claim language is also consistent with the Examiner’s interpretation of the claim as described on page 3 of the July 19, 2007 Final Office Action. Thus, Applicant respectfully requests this amendment to be entered after Final Action. It should be noted that these amendments were made in response to rejections under 35 U.S.C § 112, rather than in the face of applicable prior art.

The Examiner also rejected claims 1, 3-8, 13, 31-39, and 41-46 under 35 U.S.C. § 112, second paragraph, as being indefinite. Specifically, the Examiner asserts that “‘originally installed during the manufacture of the vehicle’ is indefinite”. Page 3 of the March 9, 2007 Office Action. Applicant has replaced this limitation with a more structural recitation, in claims 1, 31, and 41. Specifically, claims 1, 31, and 41 now each recite a tray that is “recessed downwardly within a top surface of a dashboard running along a windshield of the vehicle”. Support for this amendment may be found, among other places, in Figures 19, 20, and 23-27, as well as the supporting discussion thereof in the written description. Thus, Applicant respectfully requests this amendment to be entered after Final Action. It should be noted that these amendments were made in response to rejections under 35 U.S.C § 112, rather than in the face of applicable prior art.

The Examiner also rejected claims 1, 3-8, 13, 14, and 30-46 under 35 U.S.C. 102(b) as being anticipated by Toshiaki, Japanese Patent No. 9224202. The Examiner also rejected claims 1, 3, 4, 14, 31-33, and 38 under 35 U.S.C. § 102(b) as being anticipated by Schoenfish, U.S. Patent No. 6,370,037. The Examiner also rejected claims 41, 42, 45, and 46 under 35 U.S.C. § 102(b) as being anticipated by Amazon.com's advertisement of a Garmin carrying case. The Examiner also rejected claims 43-46 under 35 U.S.C. § 103(a) as being unpatentable over the Amazon.com advertisement in view of official notice. The Examiner also rejected claims 5-8, 13, 30, 34-37, and 39 under 35 U.S.C. § 103(a) as being unpatentable over Schoenfish in view of Trumbull, U.S. Patent No. 6,125,030. Applicant respectfully submits that the currently pending claims distinguish the present invention from Toshiaki, Schoenfish, the Amazon.com advertisement, Trumbull, and the other prior art references of record, taken alone or in combination with each other.

Claim 1 now recites "a carrying case sized and configured to removably fit substantially within a tray recessed downwardly within a top surface of a dashboard running along a windshield of the vehicle and configured to substantially enclose the navigational device, wherein the case is configured to conform to the tray". Claim 31 recites "a carrying case sized and configured to conform to a tray recessed downwardly within a top surface of a dashboard running along a windshield of the vehicle, wherein the carrying case may be removed from the tray with the navigational device substantially enclosed therein". Neither Toshiaki nor Schoenfish teach or suggest "a tray recessed downwardly within a top surface of a dashboard running along a windshield of the vehicle", as presently claimed.

Claim 40 recites "a carrying case configured to substantially enclose the navigational device, the case being sized and configured to fit within a tray on a dashboard of the vehicle such that the case does not move within the tray and is held firmly in place by gravity and the close conformity of the case to the tray". Toshiaki fails to teach or suggest "a carrying case configured to substantially enclose the navigational device, the case being sized and configured to fit within a tray on a dashboard of the vehicle such that the case does not move within the tray and is held firmly in place

by gravity and the close conformity of the case to the tray”, as claimed. Specifically, Toshiaki’s device is designed to slide and rotate within his tray. See Figures 1 and 4-7.

With regard to the Toshiaki reference, as previously applied, the Examiner improperly asserts that the previously pending claims are “clearly anticipated by Toshiaki”, but does not support that assertion in any way. Page 4 of the July 19, 2007 Final Office Action. Such conclusory rejections are improper. Each “ground of rejection [must be] fully and clearly stated”. MPEP § 707.07(d). *See also* 37 CFR 1.104. Thus, the Examiner never properly established a *prima facie* case of anticipation. As a result, the above amendments were not required by any prior art based rejection properly advanced by the Examiner.

The remaining claims all depend directly or indirectly on claims 1, 31, or 40, and are therefore also allowable.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 501-791. In view of the foregoing, a Notice of Allowance appears to be in order and such is courteously solicited.

Respectfully submitted,

By: /Kevin E. West/
Kevin E. West, Reg. No. 43,983
Garmin International, Inc.
1200 East 151st Street
Olathe, KS 66062
(913) 397-8200
(913) 397-9079 (Fax)